

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

PACING TECHNOLOGIES, LLC V. GARMIN INTERNATIONAL, INC.

14-1396

Appeal from the United States District Court for the Southern District of California
in Case No. 3:12-cv-01067.

**PLAINTIFF-APPELLANT'S UNOPPOSED
MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEF**

Pursuant to Rule 26(b) of the Federal Circuit Rules, Plaintiff-Appellant Pacing Technologies, LLC ("Pacing") requests a twenty-nine day extension of time, up to and including June 30, 2014, within which to file its brief on appeal. Pacing's brief is currently due on June 1, 2014.

This is Pacing's first request for an extension of time.

Good cause exists for this extension based on the following facts:

- (1) Pacing filed its Notice of Appeal with the District Court on April 2, 2014(D. Ct. Dkt. 188), prior to entry of final judgment, to preserve its rights.
- (2) That filing caused the present appeal to be docketed on April 2, 2014.
- (3) Final judgment was entered by the District Court on April 30, 2014 (D. Ct. Dkt. 195).

(4) Pacing then filed an amended Notice of Appeal on May 5, 2014 (D. Ct. Dkt. 196).

Pacing is seeking additional time because of the upcoming Memorial Day holiday, and Pacing's lead counsel's heavy litigation workload related to other pending matters.

Counsel for Defendants-Appellees Garmin International, Inc., and Garmin USA, Inc. ("Garmin"), stated in correspondence to Pacing's counsel on May 21, 2014, that Garmin does not oppose Pacing's request based on the reasons stated above and will not be filing a response.

Pacing has attached a proposed order for the Court's consideration.

DATED: May 21, 2014

Respectfully submitted,

/s/ Brian Higgins

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**DECLARATION OF BRIAN WM. HIGGINS IN SUPPORT OF PLAINTIFF-APPELLANT'S
UNOPPOSED MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEF**

1. I am a partner in Blank Rome LLP. My principal office address is 600 New Hampshire Avenue, N.W., Suite 1200, Washington, D.C. 20037.

2. I am counsel of record for Plaintiff-Appellant Pacing Technologies, LLC, in the above-captioned appeal.

3. I make this declaration pursuant to Rule 26(b)(5) of the Federal Circuit Rules in support of the accompanying motion for a 29-day extension of time, to and including June 30, 2014, within which to file Pacing's opening brief.

4. This is Pacing's first request for an extension of time in this matter.

5. Pursuant to Rule 26(b), good cause exists for an extension of time. Pacing is seeking additional time because of the upcoming Memorial Day holiday, and Pacing's lead counsel's heavy litigation workload related to other pending matters.

6. I exchanged e-mails with Jenny C. Wu, Attorney for Defendants-Appellees, on May 20, 2014. Ms. Wu stated that the Defendants-Appellees do not

oppose Pacing's request for an extension of time based on the reasons stated in the motion.

7. Accordingly, Pacing requests an extension totaling 29 days, from June 1, 2014, until June 30, 2014 to file its opening brief in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2014

/s/ Brian Wm. Higgins
Brian Wm. Higgins

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ORDER

Upon reading and considering Plaintiff-Appellant's unopposed motion for
an extension of time, it is hereby

ORDERED that Plaintiff-Appellant's motion is GRANTED. Its brief is due
on or before June 30, 2014. The remainder of the briefing schedule will be
adjusted accordingly.

FOR THE COURT:

Dated: _____, 2014
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2014, I served a true and correct copy of the foregoing Plaintiff-Appellant's Unopposed Motion to Extend Time For Filing Appellant's Brief by e-mail on the Defendants- Appellees' counsel of record, as follows:

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/s/ Brian Higgins
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